

Notice of Allowability

Application No.

09/853,939

Examiner

Rita Mitra

Applicant(s)

YANAGAWA ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/27/2004.
2. ☒ The allowed claim(s) is/are 1,3,6,7,9,11,12,14,27 and 28.
3. ☒ The drawings filed on May 11, 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of the Claims

Applicants' amendment and response to office action dated July 28, 2004, filed on December 27, 2004, is acknowledged. Claims 2, 4, 5 and 8 have been canceled. Claims 1, 6, 7, 11, 12 and 27 have been amended. Claims 13, 15-26 have been withdrawn. Therefore, claims 1, 3, 6, 7 and 9-28 are currently pending.

Response to Amendments and Remarks

Claims 9, 11 and 12 (withdrawn from the examination in previous office action have been rejoined in view of amendment to claims 11 and 12.

Objection to claims

Claims 4, 5 and 8 are cancelled thereby rendering the rejection moot. Objection to claim 3 is withdrawn in view of rejoining claims 9, 11, 12.

Claim Rejections - 35 USC § 112, first paragraph

Claim 4 is cancelled thereby rendering the rejection moot. Rejection of claims 1, 3, 6 and 7 are withdrawn in view of amendments to claims 1, 6, 7.

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Examiner's Amendments to the Specification:

On page 1 above the title line, the word "Specification" has been deleted.

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Examiner's Amendments to the Claims

Claims 10, 13, 15-26 have been canceled.

Claim 14 has been amended to read as:

Claim 14. (Amended) A sensor protein according to claim 1 prepared by the method according to any one of Claims 11 to [13] 12.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Jay Williams on March 18, 2005.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a sensor protein comprising a fusion protein which comprises a reporter protein which can generate a measurable signal selected from the group consisting of: Fluorescent protein, alkaline phosphatase and kenamycin nucleotidyltransferase, and a binding protein which is 100 to 1000 amino acid residues in length, which specifically binds a target substance and changes the structural stability of the fusion protein upon binding, wherein the binding protein is inserted into the amino acid sequence of the reporter protein at an exposed site. Further, the invention discloses a recombinant method of preparation of said sensor protein. Thus the sensor protein and its method of preparation of the instant application is novel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

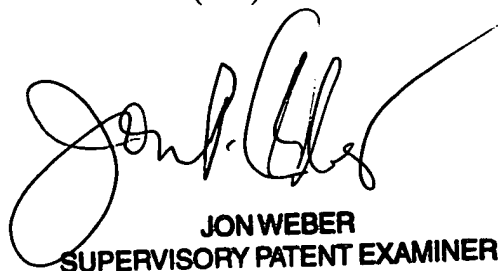
Claims 1, 3, 6, 7, 9, 11, 12, 14, 27 and 28 are allowed.

Inquiries

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rita Mitra whose telephone number is (571) 272-0954. The Examiner can normally be reached from 9:30 a.m. to 6:30 p.m. on weekdays. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Jon Weber, can be reached at (571) 272-0925. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Fax Center number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0547.



Rita Mitra, Ph.D.
March 19, 2005



JON WEBER
SUPERVISORY PATENT EXAMINER